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In re Patent No.: 6,635,309 :
Issue Date: October 21, 2003 :
Application No.: 09/803,218 : LETTER
Filed: March 12, 2001 :
Attorney Docket No. RDP001U :

Reference is made to the "Response to Request for Information", filed January 19, 2012.

Petitioner is allowed a non-extendable period for reply of **TWO (2) MONTHS** from the mailing date of this communication to provide a response. The response should be titled, "Response to Request for Information." If no response is provided within the period set forth, a decision will be made solely on the merits as set forth in previous filings. No additional fees are due.

The above-identified patent issued on October 21, 2003. Therefore the grace period in 35 U.S.C. § 41(b) for paying the 3.5 year maintenance fee expired at midnight on October 21, 2007.

Petitioner is required to address the following points:

- As part of petitioner's argument, it is noted that petitioner stated that the previous attorney of record failed to inform petitioner that a maintenance fee was due. As a point of clarification, it is requested that the petitioner state whether the previous attorney of record was charged with tracking and paying the maintenance fees for the subject patent according to the arrangement between the attorney and the patentee and whether the attorney's failure to perform the agreed upon function resulted in the expiration of patent. A brief discussion of the relevance of the former attorney of record was made in the decision mailed August 1, 2011. The undersigned did not see in subsequent filings where petitioner clarified whether any alleged inaction on the part of the former attorney, contrary to the understanding with petitioner, resulted in the expiration of the patent.

Further communications regarding this matter may be directed as follows:

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

In re Patent No. 6,635,309

By facsimile: (571) 273-8300
Attn: Office of Petitions

Questions regarding this communication may be directed to the undersigned at (571) 272-3222.

/Kenya A. McLaughlin/

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions